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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,260	12/07/2004	Tadamasa Toma	2004_1953A	1196
513 7590 10/16/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER AGHERA, SAMEER R	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,260	<b>Applicant(s)</b> TOMA ET AL.	
	<b>Examiner</b> Sameer Aghera	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☒ Claim(s) 17 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-16, drawn to media synchronization, classified in class 370, subclass 474.
  - II. Claim 17, drawn to media synchronization, classified in class 370, subclass 474.
2. Inventions 1 and 2 are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the random access unit does not need to be present in order to identify video frames. The subcombination has separate utility such as random access unit.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or

includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: "apporoximately" on line 17 should be change to "approximately." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 10, 11, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Toida (US 2002/0041609 A1).

Toida discloses a multiplexed data producing apparatus comprising the following features.

Regarding **claims 1, 10, and 16**, a media data obtainment unit (see Figure 1, item 11 and 12) operable to obtain the media data (see "object data," Abstract); an analysis unit (see Figure 1, item 13) operable to analyze the media data (see

"controlling of decoding," page 2, paragraph 15) obtained by the media data obtainment unit (see Figure 1, item 11 and 12) and obtain playback start time information (see "time information," Abstract) that indicates a playback start time of a sample that is a smallest access unit of the image data, audio data and text data included in the media data (see Figures 8 (a-c)); a packetization part determination unit (see Figure 1, item 15) operable to determine, based on the playback start time information obtained by the analysis unit (see Figure 1, item 13), a packetization part of the media data in a way that playback start times of respective samples of the image data, audio data and text data that are included in the media data are made to be the same or approximately the same (see Figures 8 (a-c)); a packet header part generation unit (see Figure 1, item 15) operable to generate a packet header part (see "header," page 1, paragraph 7) that holds a header of the media data (see "information for synchronization," page 1, paragraph 7) on a basis of the packetization part determined by the packetization part determination unit (see Figure 1, item 15); a packet data part generation unit (see Figure 1, item 15) operable to generate a packet data part (see "video data, audio data or other data," page 1, paragraph 7) that holds entity data of the media data on a basis of the packetization part determined by the packetization part determination unit (see Figure 1, item 15); and a packetization unit (see Figure 1, item 15) operable to generate a packet (see "PES packets," page 1, paragraph 7) by connecting the packet header part (see "header," page 1, paragraph 7) generated by the packet header part generation unit (see Figure 1, item 15) with the packet data part (see "video data, audio data or other

data," page 1, paragraph 7) generated by the packet data part generation unit (see Figure 1, item 15).

Regarding **claims 2 and 11**, wherein the packetization part determination unit makes the playback start times of a sample of the audio data (see "Audio," Figure 8 (c)) placed in the leading part of the packetization part and a sample of the text data (see "data23," Figure 8 (c)) the same or approximately the same as the playback start time of a sample of the image data (see "video22," Figure 8 (c)) placed in the leading part of the packetization part (see Figure 8 (c)).

Regarding **claims 3**, wherein the packetization part determination unit determines a sample of the audio data (see "Audio," Figure 8 (c)) and a sample of the text data (see "data23," Figure 8 (c)) that are placed in the leading part of the packetization part as a sample whose playback start time is after the playback start time of a sample of the image data (see "video," Figure 8 (c)) placed in the leading part of the packetization part and the earliest to the playback start time of a sample of the image data (see Figure 8 (c)).

Regarding **claim 4**, wherein the packetization part determination unit determines a sample of the audio data (see "Audio," Figure 8 (c)) and a sample of the text data (see "data23," Figure 8 (c)) that are placed in the leading part of the packetization part as a sample whose playback start time is before the playback start time of a sample of the image data (see "video22," Figure 8 (c)) placed in the leading part of the packetization part and the earliest to the playback start time of a sample of the image data (see Figure 8 (c)).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-7 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toida (US 2002/0041609 A1) in view of Niimura (5,537,215).

Toida discloses all elements as shown in paragraph 5 above including the following features: regarding **claims 5 and 12**, wherein the image data is video data (see "video22," Figure 8 (c)), the packetization part determination unit determines the media data as the packetization part based on the intra frame information and the playback start time information in the case where the analysis unit obtains the intra frame information (see Figure 4, item 45); regarding **claims 6 and 13**, wherein the packetization part determination unit (see Figure 1, item 15) places a sample of the video data including the intra frame information in the leading part of the packetization part (see Figures 20 a-e); regarding **claims 7 and 14**, wherein the packetization part determination unit (see Figure 1, item 15) makes playback start time of a sample of the video data (see "video22," Figure 8 (c)) including the intra frame information placed in the leading part of the packetization part the same or approximately the same as the playback start time of a sample of the audio data (see "Audio," Figure 8 (c)) and a sample of the text data (see "data23," Figure 8 (c)) that are placed in the leading part of the packetization part (see Figure 8 (c)).

Toida does not disclose the following: regarding **claims 5 and 12**, the analysis further analyzes the video data obtained by the media data obtainment unit and obtains intra frame information in the case where the video data includes at least one sample including the intra frame information indicating that the sample is an intra coded sample.

Niimura discloses a band compression signal processor for intra-frame-coding comprising the following features.

Regarding **claims 5 and 12**, the analysis unit (see Figure 1, item 31) further analyzes the video data (see "video signal," Abstract) obtained by the media data obtainment unit (see Figure 1, item 30) and obtains intra frame information (see "intra-frame information," col. 5, line 24) in the case where the video data includes at least one sample including the intra frame information (see "intra-frame-coding," Abstract) indicating that the sample is an intra coded sample.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Toida with the features, as taught by Niimura, in order to provide fast compression for high definition TV (see Niimura col. 5, lines 1-4).

8. Claims 8, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toida (US 2002/0041609 A1) in view of Henmi (6,438,316 B1).

Toida discloses all elements as shown in paragraph 5 above including the following features: regarding **claim 9**, wherein the packet data part generation unit (see Figure 1, item 15) generates the packet data (see Figures 20 a-e) part for storing



samples of the media data items included in the packetization part by interleaving in a way that a previously set condition is satisfied (see Figures 8 a-c and 9 a-e).

Toida does not disclose the following features: regarding **claims 8 and 15**, wherein the packet data part generation unit generates the packet data part for storing samples of the media data items included in the packetization part by interleaving in a way that the playback start times of the samples are in an ascending order.

Henmi discloses a reproducing apparatus and method for including line numbers comprising the following features.

Regarding **claim 8**, wherein the packet data part generation unit (see Figure 10B) generates the packet data part for storing samples of the media data items included in the packetization part by interleaving in a way that the playback start times of the samples are in an ascending order (see "data is transmitted in the ascending order of video sample numbers," col. 5, lines 24-25);

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Toida with the features, as taught by Henmi, in order to easily decode a video signal (see Henmi col. 3, lines 1-12).

### ***Conclusion***

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as

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well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameer Aghera whose telephone number is 571-272-9744. The examiner can normally be reached on M-F 7:30 AM to 5 PM; Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on 571-272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

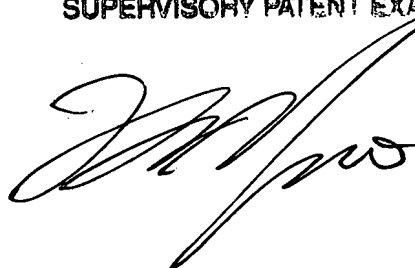
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SA

Sameer Aghera

KWANG BIN YAO  
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'K. B. Yao', is written over the printed name and title of the Supervisory Patent Examiner.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3 March 2005 and 7 December 2004.